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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6681 OF 2005

Municipal Council, Akkalkot & Anr. ... Petitioners

V/s.

Siddharudh Tukaram Pujari & Ors. ... Respondents

Mr.G.S. Godbole for Petitioners
Mr.Neel Helekar for Respondent No.1

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **OCTOBER 6, 2005**

P.C.:

. The Petitioners challenge the order of the labour court allowing the complaint No. 36 of 1988. A show-cause notice was issued to the Respondent alleging that he had committed certain acts of misconduct including 1) absence without permsision and 2)shortage of cash in the octroi collected at the Central Octroi Naka where he was working. The Labour Court has allowed the complaint by a common order in complaint (ULP) No.36 of 1988. The Petitioner challenged the decision of the Labour court by filing a revision application under section 44 of the MRTU & PULP Act. This Revision was dismissed on 8.12.2003.

2. The main contention of the Petitioner is that there is no need to hold an enquiry regarding the misconduct alleged against the respondent-workman when he had admitted the charges levelled against him in the show-cause notice. In the evidence led before the Labour Court, he had admitted that he had remained absent and that there was shortage of cash in the octroi money. However, the petitioner did not care to hold any enquiry on the ground that the Standing Committee of the Municipal Council had passed a resolution removing the respondent from service and the Collector had sanctioned the removal.

3. In my opinion, both the Courts cannot be faulted for the view that they have taken. An enquiry cannot be dispensed with merely because the workman has admitted that there was shortage of cash in the octroi collections. There was nothing on record to link the shortage of cash to the workman nor is there anything to indicate that the shortage of cash occurred because of an act of ommission or commission of the workman. That being the position, the findings of the Labour Court cannot be faulted. Furthermore, the Petitioners did not care to lead any evidence before Labour Court to prove the charge against the Respondent and, therefore, I see

no reason to interfere. Petition rejected